

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESOLUTION NO. R2-2021-XXXX

Hearing Panels for Administrative Civil Liabilities

WHEREAS:

1. California Water Code section 13228.14 permits the regional water quality control boards to appoint a hearing panel of three or more board members to hold hearings relating to investigating the quality of waters of the state, prescribing waste discharge requirements, issuing cease and desist orders, requiring cleanup or abatement of waste, or imposing administrative civil liabilities or penalties.
2. On November 17, 2004, the California Regional Water Quality Control Board, San Francisco Bay Region (Board), adopted Resolution R2-2004-0094, authorizing panel hearings to be conducted by a panel of three or more Board members for the purposes set forth in California Water Code section 13228.14 and subcommittees of three or more Board members to hold workshops, but not take action, on Board business when a quorum of the Board cannot be convened.
3. Resolution R2-2004-0094 also authorizes the Chair of the Board to establish hearing panels and subcommittees, and to appoint members thereto, when a quorum of the Board cannot be convened.
4. The Board desires to expand the use of hearing panels in circumstances beyond when a quorum of the Board cannot be convened. Specifically, the Board supports the use of hearing panels to consider and make recommendations on the imposition of administrative civil liabilities (ACL) as needed to maximize flexibility in carrying out the Board's duties and responsibilities. For example, in situations where the Board may be asked to consider multiple similar proposed ACL complaints, using a hearing panel to make recommendations on the disposition of these complaints could help the Board.
5. The Board finds it advisable for the Chair of the Board to have the ability to establish and appoint the membership of hearing panels for consideration of administrative civil liabilities.

THEREFORE, BE IT RESOLVED THAT:

1. The Board authorizes panel hearings to be conducted by a panel of three or more Board members for the purposes of imposing administrative civil liabilities under California Water Code section 13228.14.
2. The Chair of the Board is authorized to establish such hearing panels and to appoint

their members.

3. Any such appointed panel is not authorized to act on behalf of the Board.
4. Panel hearings shall be conducted in accordance with all applicable laws and regulations, including any applicable notice and other requirements of the Bagley-Keene Open Meeting Act (California Government Code section 11120 et seq.) and California Water Code section 13228.14.

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 14, 2021.

Michael Montgomery
Executive Officer